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PATENT
Attorney Docket No. 026595-005000US

TOWNSEND and TOWNSEND and CREW LLP

By: /Dianna L. Smith/
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Michael J. Michelsen et al.

Application No.: 10/806,484

Filed: March 22, 2004

For: EQUIPMENT TO FACILITATE
MONEY TRANSFERS INTO BANK
ACCOUNTS

Customer No.: 20350

Confirmation No. 2784

Examiner: Olabode Akintola

Technology Center/Art Unit: 3691

APPELLANTS' BRIEF
UNDER 37 CFR §41.37

Mail Stop Appeal Brief
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Further to the "Notice of Appeal" and "Pre-Appeal Brief Request For Review" filed September 11, 2008, and the "Notice Of Panel Decision From Pre-Appeal Brief Review" mailed October 24, 2008, for the above-referenced application, Appellants submit this Brief on Appeal.

1. Real Party In Interest

The Western Union Company of Englewood, Colorado, is the real party in interest as the assignee of the above-identified application.

2. Related Appeals And Interferences

No other appeals or interferences are known that will directly affect, are directly affected by, or have a bearing on the Board decision in this appeal.

3. Status Of Claims

Claims 1-30 are currently pending in the application. All pending claims stand finally rejected pursuant to a final Office Action mailed June 11, 2008. The rejection of claims 1-30 is believed to be improper and is the subject of this appeal. The claims as rejected are attached hereto in the Claims Appendix.

Claims 1-20, 25, and 26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Allred (U.S. Patent Publication No. 2002/0077971) ("Allred"). **This rejection is the subject of the appeal.**

Claims 21, 23, 24, 27, 29, and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Allred in view of Kosuda (U.S. Patent Publication No. 2001/0051923) ("Kosuda"). **This rejection is not the subject of the appeal.**

Claims 22 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Allred in view of Kosuda in view of Orcutt (U.S. Patent Publication No. 2005/0097050) ("Orcutt"). **This rejection is not the subject of the appeal.**

4. Status Of Amendments

The claims have been amended one time. An Amendment was filed on April 17, 2008, in response to a non-final Office Action mailed January 23, 2008. No amendments have been entered subsequent to the final Office Action mailed June 11, 2008. This Appeal Brief is filed in response to the final Office Action.

5. Summary Of Claimed Subject Matter

In the following summary, the Appellants have provided exemplary references to sections of the specification and drawings supporting the subject matter defined in the claims as required by 37 C.F.R. § 41.37. The specification and drawings also include additional support for other exemplary embodiments encompassed by the claimed subject matter. Thus, it should be appreciated that the references are intended to be illustrative in nature only.

Claim 1 recites a computerized method for transferring money generally depicted at Fig. 3 and described at ¶¶[0029]-[0033]. The method includes receiving at a host computer system from a point of sale device transactional information that includes information on a bank account that is to receive the money (ref. nos. 56, 58, and 60), wherein the money is provided in cash at the point of sale device; storing the transaction information at the host computer system (ref. no. 60); transmitting at least some of the transaction information to an intermediary computer system that is configured to interact with a plurality of banking networks in different countries (ref. no. 62); determining with the intermediary computer system which one of the banking networks is associated with the bank account that is to receive the money (ref. no. 64); and transmitting a request from the intermediary computer network to a local banking network information on the bank account that is to receive the money and an amount of money to deposit (ref. no. 68).

Claim 3 depends from claim 1 and adds that the intermediary computer system comprises an international bank computer system having regional banks, wherein the request to deposit the money passes from one of the regional banks and into the local banking network, and wherein a transaction identifier incorporating an account number of the bank account that is to receive the money is indicative of the local banking network (fig. 1 and ¶¶[0023]-[0027]).

Claim 5 recites a computerized method for transferring money generally depicted at Fig. 3 and described at ¶¶[0029]-[0033]. The method includes receiving at a host computer system from a point of sale device transactional information that includes information on a bank account that is to receive the money (ref. nos. 56, 58, and 60), wherein the money is provided in cash at the point of sale device (ref. no. 60); storing the transaction information at the host

computer system (ref. no. 60); transmitting at least some of the transaction information to an intermediary computer system that is configured to interact with a plurality of banking networks in a certain country (ref. no. 62); and transmitting a request from the intermediary computer network to a local banking network information on the bank account that is to receive the money and an amount of money to deposit (ref. no. 68).

Claim 11 recites a computerized system for processing a money transfer transaction into a bank account, generally depicted at Fig. 1 and described at ¶¶[0023]-[0037]. The system includes a host computer system that is in communication with a plurality of point of sale devices (ref. no. 12). The host computer system has a processor and a memory and the host computer system is configured to receive from a point of sale device transactional information that includes information on a bank account that is to receive the money (ref. nos. 14 and 56, 58, and 60). The money is provided in cash at the point of sale device. The host computer system is also configured to store the transaction information and to transmit at least some of the transaction information to an intermediary computer system that is configured to interact with a plurality of banking networks in different countries in order to deposit the information in the bank account (ref. no. 62).

Claim 14 recites a computerized system for processing a money transfer transaction into a bank account, generally depicted at Fig. 1 and described at ¶¶[0023]-[0037]. The system includes a host computer system that is in communication with a plurality of point of sale devices (ref. no. 12). The host computer system has a processor and a memory is configured to receive from a point of sale device transactional information that includes information on a bank account that is to receive the money (ref. nos. 14 and 56, 58, and 60). The money is provided in cash at the point of sale device. The host computer system is also configured to store the transaction information and transmit at least some of the transaction information to an intermediary computer system that is configured to interact with a plurality of banking networks in a certain country in order to deposit the information in the bank account (ref. no. 62).

Claim 18 recites a method for processing a money transfer transaction where money is transferred into a recipient's bank account generally depicted at Fig. 4 and described at

¶¶[0029]-[0033]. The method includes entering into a point of sale device information on a bank account number of a bank account that is to receive the money, a bank name of a bank that is to receive the money and a location of the bank (ref. no. 70); transmitting the entered information to a host computer system (ref. no. 74); incorporating the account number, bank name and location into a transaction identifier (ref. no. 78); and transmitting a customer identifier to the customer that is associated with the transaction identifier (ref. no. 84).

Claim 25 recites a computerized system for processing a money transfer transaction into a bank account generally depicted at Fig. 1 and described at ¶¶[0023]-[0037]. The system includes a host computer system that is in communication with a plurality of point of sale devices (ref. no. 12). The host computer system is configured to receive information on a bank account number of a bank account that is to receive the money, a bank name of a bank that is to receive the money and a location of the bank, and to incorporate the account number, bank name and location into a transaction identifier (ref. no. 78).

6. Grounds Of Rejection To Be Reviewed On Appeal

Issue 1: Whether claims 1-20, 25, and 26 were properly rejected under 35 U.S.C. § 102(b) as being anticipated by Allred (U.S. Patent Publication No. 2002/0077971) (“Allred”).

7. Argument

Issue 1: Whether claims 1-20, 25, and 26 were properly rejected under 35 U.S.C. § 102(b) as being anticipated by Allred (U.S. Patent Publication No. 2002/0077971) (“Allred”).

The Appellants maintain that the rejections of claims 1, 5, 11, 14, 18, and 25 are improper. The cited reference does not teach all claim elements either expressly or impliedly, as required for a proper rejection under 25 U.S.C. § 102. Specifically, all independent claims recite “receiving at a host computer system from a point of sale device transactional information that includes information on a bank account that is to receive the money” or a similar element. Allred does not teach this. Directing attention specifically to ¶[0014], Allred states “[a]so on a daily basis, and based on the depositor’s personal information stored in a membership database

that includes his specified destination for the deposited money (i.e., the target foreign country, target foreign bank, and target private account wither the transferred money is to be deposited), . . .” Hence, according to Allred’s teaching, the depositor must have a pre-existing relationship. More importantly, as part of that pre-existing relationship, the depositor has supplied the bank account to which deposits are to be deposited. Allred, therefore, does not teach receiving the account number from a point-of-sale device.

The final Office Action attempted to address this shortcoming with reference to what “one of ordinary skill in the art” would recognize in light of “standard banking practice.” This appears to be recognition that the reference does not expressly or impliedly teach the claim elements. Moreover, the skilled artisan would readily recognize that depositing money into one’s own account by a teller at a bank is not transferring money directly to the account of another. Hence, the context for this imported knowledge is different from the context of the claim. Claims 1, 5, 11, 14, 18 and 25 are, therefore, believed to be allowable, at least for this reason.

Claims 18 and 25 are believed to be allowable for the additional reason that Allred does not teach “incorporating the account number, bank name and location into a transaction identifier.” The record cites the same location in Allred, but there is nothing in the cited passage remotely resembling incorporating the account number into a transaction identifier. The pending Office Action attempts to address this, again with reference to “standard banking practice” and without recognition of the claimed invention relating to money transfer. Hence, claims 18 and 25 are believed to be allowable, at least for this additional reason.

Claim 3 is believed to be allowable because cited references do not teach or suggest the method of claim 1 “wherein the intermediary computer system comprises an international bank computer system having regional banks, wherein the request to deposit the money passes from one of the regional banks and into the local banking network, and wherein a transaction identifier incorporating an account number of the bank account that is to receive the money is indicative of the local banking network.” The record cites ¶¶[0012]-[0015] of Allred

for this. Neither at this location nor anywhere else, however, does Allred teach the claim element recited above. Hence, claim 3 is believed to be allowable, at least for this additional reason.

The remaining claims depend from one of the independent claims discussed above and are believed to be allowable, at least for the foregoing reasons.

8. Conclusion

For these reasons, it is respectfully submitted that the rejection should be reversed.

Respectfully submitted,

Date: November 24, 2008

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9. Claims Appendix

1. (Original) A computerized method for transferring money, the method comprising:
 - receiving at a host computer system from a point of sale device transactional information that includes information on a bank account that is to receive the money, wherein the money is provided in cash at the point of sale device;
 - storing the transaction information at the host computer system;
 - transmitting at least some of the transaction information to an intermediary computer system that is configured to interact with a plurality of banking networks in different countries;
 - determining with the intermediary computer system which one of the banking networks is associated with the bank account that is to receive the money; and
 - transmitting a request from the intermediary computer network to a local banking network information on the bank account that is to receive the money and an amount of money to deposit.
2. (Original) A method as in claim 1, further comprising crediting the bank account with the amount of money.
3. (Previously Presented) A method as in claim 1, wherein the intermediary computer system comprises an international bank computer system having regional banks, wherein the request to deposit the money passes from one of the regional banks and into the local banking network, and wherein a transaction identifier incorporating an account number of the bank account that is to receive the money is indicative of the local banking network.
4. (Original) A method as in claim 1, wherein the transactional information is transmitted to the intermediary computer system in real time or in batch mode.
5. (Original) A computerized method for transferring money, the method comprising:

receiving at a host computer system from a point of sale device transactional information that includes information on a bank account that is to receive the money, wherein the money is provided in cash at the point of sale device;

storing the transaction information at the host computer system;

transmitting at least some of the transaction information to an intermediary computer system that is configured to interact with a plurality of banking networks in a certain country; and

transmitting a request from the intermediary computer network to a local banking network information on the bank account that is to receive the money and an amount of money to deposit.

6. (Original) A method as in claim 5, further comprising crediting the bank account with the amount of money.

7. (Original) A method as in claim 5, wherein the intermediary computer system comprises a regional bank computer system, and wherein the request to deposit the money passes from the regional bank computer system and into the local banking network.

8. (Original) A method as in claim 5, wherein the intermediary computer system comprises a regional banking association computer system, and wherein the request to deposit the money passes from the regional banking association computer system and into the local banking network.

9. (Original) A method as in claim 5, wherein the transactional information is transmitted to the intermediary computer system in real time or in batch mode.

10. (Original) A method as in claim 5, wherein the transaction information that is sent to the intermediary computer system comprises an ACH transaction.

11. (Original) A computerized system for processing a money transfer transaction into a bank account, the system comprising:

a host computer system that is in communication with a plurality of point of sale devices, wherein the host computer system has a processor and a memory, and wherein the host computer system is configured to receive from a point of sale device transactional information that includes information on a bank account that is to receive the money, wherein the money is provided in cash at the point of sale device, to store the transaction information, and to transmit at least some of the transaction information to an intermediary computer system that is configured to interact with a plurality of banking networks in different countries in order to deposit the information in the bank account.

12. (Original) A system as in claim 11, wherein the intermediary computer system is configured to determine which one of the banking networks is associated with the bank account that is to receive the money, and to transmit a request from the intermediary computer network to a local banking network information on the bank account that is to receive the money and an amount of money to deposit.

13. (Original) A method as in claim 11, wherein the intermediary computer system comprises an international bank computer system having regional banks, and wherein the request to deposit the money passes from one of the regional banks and into the local banking network.

14. (Original) A computerized system for processing a money transfer transaction into a bank account, the system comprising:

a host computer system that is in communication with a plurality of point of sale devices, wherein the host computer system has a processor and a memory, and wherein the host computer system is configured to receive from a point of sale device transactional information that includes information on a bank account that is to receive the money, wherein the money is provided in cash at the point of sale device, to store the transaction information, and to transmit at least some of the transaction information to an intermediary computer system that is configured to interact with a plurality of banking networks in a certain country in order to deposit the information in the bank account.

15. (Original) A system as in claim 14, wherein the intermediary computer system comprises a regional bank computer system, and wherein the request to deposit the money passes from the regional bank computer system and into the local banking network.

16. (Original) A system as in claim 14, wherein the intermediary computer system comprises a regional banking association computer system, and wherein the request to deposit the money passes from the regional banking association computer system and into the local banking network.

17. (Original) A system as in claim 14, wherein the host computer system is configured to transmit the transaction information to the intermediary computer system as an ACH transaction.

18. (Original) A method for processing a money transfer transaction where money is transferred into a recipient's bank account, the method comprising:

entering into a point of sale device information on a bank account number of a bank account that is to receive the money, a bank name of a bank that is to receive the money and a location of the bank;

transmitting the entered information to a host computer system;

incorporating the account number, bank name and location into a transaction identifier;

transmitting a customer identifier to the customer that is associated with the transaction identifier.

19. (Original) A method as in claim 18, further comprising entering the customer identifier into a point of sale device when performing another money transfer transaction, transmitting the customer identifier to the host computer system, and returning information contained in the transaction identifier from the host computer system to the point of sale device.

20. (Original) A method as in claim 18, further comprising entering into the point of sale device an amount to be transferred, and transmitting from the host computer system to a bank the transaction identifier and the amount to be deposited.

21. (Original) A method as in claim 18, wherein the transaction identifier comprises an eighteen digit number, with the first three digits corresponding to the bank name, the second three digits corresponding to the bank location, the next eleven digits corresponding to the account number, and the last digit corresponding to a check digit.

22. (Original) A method as in claim 21, further comprising adding zeros in front of the account number if less than eleven digits.

23. (Original) A method as in claim 21, further comprising performing a look up to determine the first three digits based on the bank name.

24. (Original) A method as in claim 21, further comprising including the check digit based on the bank name, location and account number.

25. (Original) A computerized system for processing a money transfer transaction into a bank account, the system comprising:

a host computer system that is in communication with a plurality of point of sale devices, wherein the host computer system has a processor and a memory, and wherein the host computer system is configured to receive information on a bank account number of a bank account that is to receive the money, a bank name of a bank that is to receive the money and a location of the bank, and to incorporate the account number, bank name and location into a transaction identifier.

26. (Original) A system as in claim 25, wherein the host computer system is further configured to transmit to a point of sale device a customer identifier that is associated with the transaction identifier.

27. (Original) A system as in claim 25, wherein the transaction identifier comprises an eighteen digit number, with the first three digits corresponding to the bank name, the second three digits corresponding to the bank location, the next eleven digits corresponding to the account number, and the last digit corresponding to a check digit.

28. (Original) A system as in claim 27, wherein the host computer system is further configured to add zeros in front of the account number if less than eleven digits.

29. (Original) A system as in claim 27, wherein the point of sale device is further configured to perform a look up to determine the first three digits based on the bank name.

30. (Original) A system as in claim 27, wherein the host computer system is further configured to include the check digit based on the bank name, location and account number.

10. Evidence Appendix

No additional evidence is provided.

11. Related Proceedings Appendix

No additional proceedings are in process.